

Petition # V-FOP14006

**Maine Forest Service
Findings of Fact and Recommendations to the Director**

**EMC Holdings, LLC. Petition for Variance from Performance Standards
for MFS Chapter 27 Rules - Standards for Timber Harvesting and Related
Activities within Unorganized Areas of the State**

- I. Petitioner and responsible parties:
Landowner: EMC Holdings, LLC. P.O. Box 459 Jackman, Maine 04945
Designated Agent: LandVest, Inc. P.O. Box 459 Jackman, Maine 04945
Tel: 207-668-7777
Forester: Thomas Coleman
- II. The parcel is located in East Middlesex Canal Grant, County of Piscataquis, Maine.
- III. LandVest, Inc. submitted to the Maine Forest Service (MFS) as the designated agent, a Chapter 27 variance petition V-FOP14006 to depart from standards of MFS Chapter 27 Rule, Standards for Timber Harvesting and Related Activities in Unorganized Areas of the State, Section 4 (C)(4)(b)-(c), in order to harvest trees within the P-GP of the shoreland area.
- IV. Documents in the record include:
 - A. The Petition for Variance V-FOP14006 submitted by LandVest, Inc. on October 27, 2014 that requests a variance to exceed the 40% removal limitation and cleared opening standards within the 250 foot shoreland area. The reason stated by the petitioner is that the trees are in decline due to age, species, and poor health and site conditions. Trees will be designated with paint for harvest removal. Advanced regeneration will be retained to occupy the site where overstory trees are removed.
 - B. A map showing the location of the proposed timber harvest area and the resource to be protected (Moosehead Lake at Little Duck Cove).
- V. The Maine Forest Service (MFS) examined the parcel on December 10, 2014 to evaluate pre-harvest stand and site conditions.
- VI. MFS findings and recommendations:
 - A. The record shows that the applicant has demonstrated by substantial evidence that “[s]trict compliance with the regulations and standards would, because of unique conditions of topography, access, location, shape, size, or other physical features of the site or forest condition, cause unusual hardship or extraordinary difficulties.” MFS Rule Chapter 20 §6(B)(1).

Petition # V-FOP14006

- B. The unusual hardship and extraordinary difficulties claimed as a ground for variance have not been created by the owner or a predecessor in title. Chapter 20 §6(B)(2).
 - C. The proposed use is in keeping with the purpose and intent of 12 M.R.S. c. 805, Chapter 20 §6(B)(3), and,
 - D. The public interest is otherwise served. Chapter 20 §6(B)(4).
- VII. Variance V-FOP14006 is granted for the duration of the filed Forest Operation Notification or in no event longer than two full calendar years, subject to the following conditions:
- A. Advanced regeneration will be protected during the harvest to ensure the site has adequate tree occupancy, provide visual quality protection and maintain wildlife habitat.
 - B. The petitioner must implement Best Management Practices to stabilize and limit soil movement during and after the harvest operation to protect the water resource. The petitioner must consult and follow the MFS publication, "Best Management Practices for Forestry: Protecting Maine's Water Quality".
 - C. No additional timber harvesting will be allowed for ten years following the completion of this harvest operation.
 - D. The harvest will be conducted under winter conditions. Harvest operations will be temporarily halted if conditions allow for soil movement that could move into the protected resource.
 - E. The petitioner and all responsible parties must comply with all standards in Chapter 27 that apply.
- VIII. The MFS recommends that the Director of the Maine Forest Service approve the variance petition.

Prepared by: Thomas Whitworth

Date: 12/22/2014

Thomas Whitworth, LF #471
Regional Enforcement Coordinator
Maine Forest Service

Approved by: Douglas Denico

Date: 12-29-14

Douglas Denico
Director, Maine Forest Service
Department of Agriculture, Conservation & Forestry

Proposed EMC Holdings P-GP Harvest Winter 2014-2015

LEGEND

